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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISIONUTSTARCOM, INC., ) Case No.: C -04-1122 PVT  
Plaintiff, ) **ORDER RE MID-DEPOSITION**  
v. ) **DISPUTE**  
STARENT NETWORKS CORP., )  
Defendant. )  
\_\_\_\_\_  
For the Northern District of California

On November 30, 2005, the parties telephonically appeared, requesting this Court's intervention regarding a mid-deposition dispute. The dispute centered around Deponent Michael St. Louis's refusal to respond to questions regarding a business proposal between UTStarcom, Inc. (UTSI) and Sprint, specifically, questions seeking information as to the names of Sprint employees involved in the business proposal and the proposal-related communications which occurred between UTSI and these Sprint employees. The Court notes that Mr. St. Louis, who is the Director of Sales for UTSI, refused to answer these questions, despite instruction from UTSI's Counsel to do so.

Mr. St. Louis asserted, as his reason for refusing to answer, the fact that UTSI and Sprint executed a Non-Disclosure Agreement (NDA) relative to the business proposal. Nonetheless, the Court notes that a Protective Order for Confidential Treatment of Documents, Testimony, and Information as Modified was entered by the Court on December 2, 2004. In addition, UTSI may

1 seek additional protections, if necessary, for this information. Furthermore, UTSI's Counsel  
2 emphatically instructed Mr. St. Louis, a UTSI executive, to answer the questions regarding the  
3 business proposal.

4 For these reasons, this Court HEREBY ORDERS Mr. St. Louis to ANSWER the questions  
5 regarding the business proposal between UTSI and Sprint.

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7 Dated : November 30, 2005

  
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PATRICIA V. TRUMBULL  
United States Magistrate Judge